

# House File 169 - Introduced

HOUSE FILE \_\_\_\_\_  
BY PETTENGILL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to animal pounds, by authorizing pounds to  
2 provide for foster care, to refer to themselves as animal  
3 shelters, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1588HH 82  
6 da/es/88

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1 1 Section 1. Section 162.2, Code 2007, is amended by adding  
1 2 the following new subsections:  
1 3 NEW SUBSECTION. 9A. "Foster care" means to provide for  
1 4 the temporary housing and care of dogs or cats by a foster  
1 5 care provider.  
1 6 NEW SUBSECTION. 9B. "Foster care facility" means the  
1 7 location where foster care is provided pursuant to an  
1 8 affiliation and under the supervision of a person who owns or  
1 9 operates a pound.  
1 10 NEW SUBSECTION. 9C. "Foster care provider" means a person  
1 11 who owns or operates a foster care facility.  
1 12 Sec. 2. Section 162.3, Code 2007, is amended to read as  
1 13 follows:  
1 14 162.3 CERTIFICATE OF REGISTRATION FOR POUND.  
1 15 1. A pound shall not be operated unless the department  
1 16 issues a certificate of registration for the pound ~~is granted~~  
1 17 ~~by the secretary to an eligible person.~~ Application for the a  
1 18 certificate of registration shall be made in the manner  
1 19 approved by the ~~secretary~~ department. ~~Certificates A~~  
1 20 ~~certificate of registration expire expires~~ one year from date  
1 21 of issue unless revoked and may be renewed upon application in  
1 22 the manner provided by the ~~secretary~~ department.  
1 23 2. A registered pound may engage in the sale of dogs or  
1 24 cats under its control, if the privilege is allowed by the  
1 25 department, but ~~no a~~ fee shall ~~not~~ be charged unless the  
1 26 registered pound is privately owned. The registration fee for  
1 27 a privately owned pound that sells dogs or cats is fifteen  
1 28 dollars per year.  
1 29 3. ~~Nothing in this chapter prevents a registered pound~~  
1 30 ~~from designating itself as an animal shelter. However, the~~  
1 31 ~~department shall regulate the facility as a pound.~~  
1 32 Sec. 3. NEW SECTION. 162.10A FOSTER CARE PROVIDER.  
1 33 A pound may provide for the foster care of dogs or cats in  
1 34 a foster care facility, pursuant to rules adopted by the  
1 35 department. A foster care provider shall not sell dogs or  
2 1 cats, except as provided by the department. The department  
2 2 may require that a foster care provider be issued a  
2 3 certificate of registration by the department in order to own  
2 4 or operate a foster care facility. However, a fee shall not  
2 5 be imposed upon the pound, foster care provider, or foster  
2 6 care facility for the registration.  
2 7 Sec. 4. Section 162.13, Code 2007, is amended to read as  
2 8 follows:  
2 9 162.13 PENALTIES.  
2 10 1. ~~a. Operation~~ The operation of a pound, animal shelter,  
2 11 pet shop, boarding kennel, commercial kennel, research  
2 12 facility, or public auction, or dealing in dogs or cats, ~~or~~  
2 13 ~~both, either~~ as a dealer or a commercial breeder, without a  
2 14 currently valid license or a certificate of registration is a  
2 15 simple misdemeanor and each day of operation is a separate  
2 16 offense.  
2 17 b. The operation of a foster care facility without a  
2 18 currently valid certificate of registration, if required in  
2 19 section 162.10A, is a simple misdemeanor and each day of

2 20 operation is a separate offense.

2 21 2. The failure of any pound, foster care provider,  
2 22 research facility, animal shelter, pet shop, boarding kennel,  
2 23 commercial kennel, commercial breeder, public auction, or  
2 24 dealer, to adequately house, feed, or water dogs, cats, or  
2 25 vertebrate animals in the person's or facility's possession or  
2 26 custody is a simple misdemeanor. The animals are subject to  
2 27 seizure and impoundment and may be sold or destroyed as  
2 28 provided by rules which shall be adopted by the department  
2 29 pursuant to chapter 17A. The rules shall provide for the  
2 30 destruction of an animal by a humane method, including by  
2 31 euthanasia. The failure to meet the requirements of this  
2 32 section is also cause for revocation or suspension of license  
2 33 or registration after public hearing. The commission of an  
2 34 act declared to be an unlawful practice under section 714.16  
2 35 or prohibited under chapter 717 or 717B, by a person licensed  
3 1 or registered under this chapter is cause for revocation or  
3 2 suspension of the license or registration certificate.

3 3 3. Dogs, cats, and other vertebrates upon which euthanasia  
3 4 is permitted by law may be destroyed by a person subject to  
3 5 this chapter or chapter 169, by a humane method, including  
3 6 euthanasia, as provided by rules which shall be adopted by the  
3 7 department pursuant to chapter 17A.

3 8 4. It is unlawful for a dealer to knowingly ship a  
3 9 diseased animal. A dealer violating this ~~paragraph subsection~~  
3 10 is subject to a fine not exceeding one hundred dollars. Each  
3 11 diseased animal shipped in violation of this ~~paragraph~~  
3 12 subsection is a separate offense.

3 13 EXPLANATION

3 14 This bill relates to pounds regulated by the department of  
3 15 agriculture and land stewardship. A pound is a facility for  
3 16 the prevention of cruelty to animals operated by the state or  
3 17 a political subdivision such as a city (Code section 162.2).  
3 18 The bill allows a pound to refer to itself as an animal  
3 19 shelter, but does not alter its regulatory status. The bill  
3 20 provides that a pound may arrange to provide for foster care  
3 21 of dogs or cats by a person who is qualified as a foster care  
3 22 provider (operating a foster care facility), pursuant to rules  
3 23 adopted by the department. A foster care provider is  
3 24 prohibited from selling or exchanging the dogs or cats, except  
3 25 as allowed by the department. The department may require that  
3 26 the foster care provider be issued a certificate of  
3 27 registration by the department, similar to a pound or animal  
3 28 shelter. However, the bill prohibits a fee being imposed upon  
3 29 a pound, foster care provider, or foster care facility for  
3 30 such registration.

3 31 Currently, a pound which fails to adequately care for an  
3 32 animal is guilty of a simple misdemeanor pursuant to Code  
3 33 section 162.13. This bill provides that the same penalty  
3 34 applies to a foster care provider.

3 35 LSB 1588HH 82

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